

E 255
V23

SPEECH

OF

MR. ^{Aaron} VANDERPOEL, OF NEW YORK,

IN THE

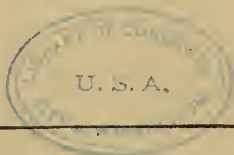
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

ON THE

BILL TO PROVIDE FOR THE SETTLEMENT

OF

CERTAIN REVOLUTIONARY CLAIMS.



CITY OF WASHINGTON:

PRINTED BY FRANCIS PRESTON BLAIR:

1834.

17351092

E255
V23

17

THE UNIVERSITY OF CHICAGO

1900

THE UNIVERSITY OF CHICAGO LIBRARY

1900

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

1900

REVOLUTIONARY CLAIMS.

SPEECH OF MR. VANDERPOEL, OF NEW YORK.

In the House of Representatives, February 28, 1834.
on the bill "to provide for the settlement of certain Revolutionary Claims "

Mr. Speaker: I have examined the details, reflected upon the principle, and have endeavored to ascertain what will be the certain consequences of the passage of the bill upon your table; and after bestowing upon it that attention which is alike due to the amount it would draw from your Treasury, and to those good and gallant men for whom it purports to provide, I feel it an incumbent duty most strenuously to oppose its passage. Let no one infer, sir, from the course I am about to take, that I am insensible to the claims of the gallant and veteran officers of the revolution. No, sir: I would freely award to them not only the justice, but the bounty of my country: but in the discharge of the important duties that here devolve upon us, we should remember, that there is a point beyond which liberality degenerates into prodigality, and ceases to be a virtue. In the halls of legislation, sir, the generous impulses of our nature should always have the checks and balances which sober judgment and reason impose. The purse of the nation is confided to our care, and if, on the one hand, a niggardly and parsimonious spirit is unworthy of the generous and high-minded People whom we have the honor to represent, so on the other, a system of waste and extravagance, resulting from even the kindest feelings of our nature, would indicate a betrayal of our high trust. Our constituents have given us the power to dispense justice to all who have just claims upon the country; but I cannot find, sir, in the power of attorney under which we act, an authority to vote away the treasure of the People in indiscriminate largesses and enormous bounties, or by any imprudent act of legislation to provoke upon the Treasury the vast frauds and speculations which the passage of the bill upon your table would, in my estimation, most inevitably occasion.

Should the bill upon your table become a law, said Mr. V., a million, or more probably two millions of dollars, would be drawn from your Treasury under its provisions. This, to be sure, said Mr. V., should not prevent its passage, provided the subjects of it have a just or equitable claim upon the nation; but it should, at all events,

inculcate a spirit of caution, and provoke to it the strictest scrutiny of gentlemen; and, above all, it should guard against that precipitancy in its passage through the House, with which it was here rushed through the Committee of the Whole. Its total escape of criticism and comment in its passage through this first ordeal, is not at all surprising, when we consider how totally subordinate has been every other subject, in point of interest, to that great question, which has so unremittingly engaged the attention of the House during this session. The Bank, and the matters connected with the Bank, have constituted a mammoth interest, which seems to have swallowed up all solicitude about other, though important concerns, and it would not be wonderful, if, amid all the cries of panic and distress which have been so unceasingly rung through our ears, our accustomed vigilance in relation to other subjects, and other interests, had somewhat relaxed. It is only upon this principle, sir, that I can account for the passage of a bill through the committee so important in amount, and as a general bill, so novel in principle as the one upon your table, without at all breaking that silence which seems to be so rare in this hall. It is not, however, too late to arrest it, if obnoxious to the objections which it shall now be my task to expose.

In order to understand the provisions of the bill, it becomes necessary to advert to the origin of the obligations which it recognises, and which it proposes to discharge. It proceeds upon the principle, that we owe the officers of the revolution who are embraced in its provisions, a debt, which at this late day we are under a moral obligation to pay, augmented too by the interest of half a century. The research and reflection which I have bestowed upon the subject have satisfied my mind, sir, that the debts proposed to be cancelled are of too equivocal a character, at this late day, to justify our exposure to the enormous frauds, impositions, and speculations, to which the bill upon your table will most assuredly lead.

The foundation of the claims for which the bill proposes to provide, rests in several resolves of the revolutionary Congress, which the committee, who reported this bill, tell us, have created obligations, that have not yet been fully dis-

charged. In order to understand all the points involved in the discussion upon which I propose to enter, it becomes indispensably necessary to recur to the resolves or promises which are said to have created the indebtedness, which the bill proposes to provide for.

On the 15th day of May, 1778, Congress, by a resolve, that will be found in the journals of the continental Congress, provided that all the officers of the continental line, who should remain in service to the end of the war, should receive seven years' half pay, after the conclusion of the war. On the 3d day of October, 1780, the army was reformed, by which many officers then in active service were rendered supernumerary, and in order to provide for these, another resolve was then passed, that these supernumeraries, should be entitled to half pay for seven years from the time of such reform. The officers who remained in service, it seems, were not yet satisfied with the provision that Congress had made for them. They knew not how long the war would be protracted; they had abandoned their civil pursuits already for a long period, and entertaining as they did, the natural sentiment, that it was a duty which they owed to themselves and to those who depended upon them, either to return to their civil avocations, by which they could obtain a competency for themselves and their families before the vigor of youth had passed away, or to procure from the national legislature some promise upon which they could rely, as an indemnity for the services which they rendered, and the chances of gain which they consented to forego, they pressed Congress for further promises of remuneration; and, accordingly, Congress, on the 21st of October, 1780, passed another resolve, that the officers who should continue in service to the end of the war should be entitled to half pay for life, and in the same resolve were included officers who were rendered supernumerary by certain reforms and new arrangements of the army, or rather those, who were not in active service, but who were in readiness to perform it, whenever their country called upon them. The promise thus made to the officers by the resolve of the twenty-first October, 1780, soon became very unpopular and odious. It very naturally awakened a fear and jealousy, that it contained the germ of an aristocracy, of sinecures and place-men, to be thus early fastened upon the republic for life, and soon proved repugnant to that anti-monarchical spirit which gave birth to, and which had thus far sustained and prospered the great cause of the revolution. The officers themselves, very soon became aware, that the spirit of the people did not justify the very liberal provision, for life, which Congress had thus, in the plenitude of its liberality, made for them; that it was calculated, not only to bring down the popular odium of the country upon their heads, but to abate the general enthusiasm for the great cause of the revolution, which had hitherto, amid all reverses and difficulties, animated the breasts of the people. The officers, therefore, who came within the resolve of the 21st October, 1780, as well from a natural regard to the estimation in which they desired to be held by the people, as

from their patriotic solicitude for the success of that great and momentous cause in which they had so gallantly enlisted, solicited some other mode of compensation that should better accord with popular feeling; and accordingly memorialized Congress to commute their half pay for life for full pay for a number of years. The following extract from their memorial indicates the convictions and the spirit that dictated it.

"We regard the act of Congress, respecting half pay, as an honorable and just recompense for several years hard service, in which the health and fortunes of the officers have been worn down and exhausted. We see, with chagrin, the odious point of view in which the citizens of too many of the States endeavor to place the men entitled to it. We hope, for the honor of human nature, that there are none so hardened in the sin of ingratitude as to deny the justice of the reward. We have reason to believe, that the objection generally is against the mode only. To prevent, therefore, any altercations and distinctions, which may tend to ensure that harmony, which we ardently desire may reign throughout the community, we are willing to commute the half pay pledged for full pay for a certain number of years, or for a sum, in gross, as shall be agreed to by the committee sent with this address."

It is then, sir, impossible to misunderstand the purport of this memorial, or the motives and causes that dictated it. In accordance with its prayers, Congress, on the 22d of March, 1783, passed another resolve, providing "That all officers who were entitled to half pay by the resolution of the 21st October, 1780, should be entitled in lieu thereof, to five years' full pay, leaving it however to the option of the lines of the respective States, and not to the officers individually of those lines to accept or refuse this commutation."

It is for cases coming within these resolves, and more particularly the two last, that the bill upon your table is designed to provide. The obligation created by the resolution of the 22d of March, 1783, commonly distinguished as the "*commutation resolves*," is certainly imperative, one which no faithful guardian of the national faith and honor would be unwilling to fulfil; but if the national faith which was pledged by it has been redeemed, if from the best lights and evidences before us, we are justified in the conclusion, that all the objects of this resolve must have obtained the provision secured to them by it, it would not only be inexpedient, but rash and extravagant in the extreme to pass a bill founded on the assumption, that vast numbers did not receive their commutation certificates, and upon this concession, providing not only for surviving officers, but also for the numerous heirs and representatives of the dead.

I shall now undertake to show,

1st. That all the officers of the continental line, with very few exceptions, accepted of the commutation proposed by the resolution of March, 1783.

2d. That as to those who did not receive their commutation, the acts of Congress of 1828 and 1832 have already made ample provision for them.

3d. That if the bill upon your table should become a law, some officers, and particularly a portion belonging to the Virginia line, will be twice, nay *thrice* paid for their revolutionary services.

It will therefore be perceived, sir, that I differ *toto cælo*, from the very intelligent committee that reported the bill under consideration. It is my purpose, sir, to express that dissent in that spirit of deference which is due to the very able and intelligent gentlemen who compose that committee, and of respect for their labours, which we are now called upon to review.

1st. I contend that it is very improbable that at this late day, there remain any instances of officers who neglected or refused to accept of the commutation provided by the resolve of March, 1783. When I say this, sir, I speak, sir, from book, and according "*to the law and the testimony.*"

In 1826, the attention of Congress was called to this subject, when some testimony was elicited from two of the Departments of the Executive branch of the Government, to which we should, at least at this late day, pay some respect. A resolution was then passed by this House, calling upon the President of the United States to communicate to this House all the information that might be in possession of the Government, relating to the resolves of the revolutionary Congress of the 21st of October, 1780, allowing to the officers of the revolutionary army, who should remain in service to the end of the war, half pay for life, and the resolve of the 21st March, 1783, offering to the said officers five years' full pay, in lieu of such half pay for life, should they accept the same; and also the manner in which said resolves were carried into effect. The President called upon the Secretary of State and the Secretary of the Treasury for such information or evidence in relation to the subject of this resolution as were within their respective departments. The Register of the Treasury, whose attention was called to this resolution by the Secretary of the Treasury, then reported, "that from an examination of the records containing the names of the officers who accepted commutation certificates, as evidence of five years' full pay, embraced in the resolves of Congress above mentioned, it appears, that with few exceptions, the whole of the retiring officers under the resolve of 1780, and those who served to the end of the war, under the resolve of 1783, did receive their commutation certificates." Mr. Hagner, the Auditor, in whose Department most of the records and evidences upon this subject, that are left, seem to be deposited, also reported on that occasion, that there were no records in his office, by which it can be ascertained, that any of the officers of the revolutionary war, who, by the resolve of the 21st October, 1780, were entitled to half pay for life, and subsequently, by the resolve of the 21st March, 1783, did not accept the commutation offered. "Indeed," said he, "*it is believed, that there were no instances of this kind, but that all the officers of that army, who served to the end of the war, and who were settled with, received the five years' full pay, instead of the half pay granted by the resolve of the 21st October, 1780.*" The Register of the Treasury further tells us in the same report, that agents were appointed for

the several lines, who were charged with the responsibility of delivering certificates of commutation to the several officers.

These official reports, sir, emanating as they do from sources which we cannot but respect—yes, sir, issuing from the very depositories of the records of the revolution—speak a different language from that which is contained in the report of the committee that has reported the bill upon your table. The committee, in support of the idea that it is necessary to legislate upon the assumption that many officers did not accept of their commutation, tell us "that the officers, were dispersed at the end of the war, that many of them were at a great distance from the accounting offices, and many of them were ignorant of the commutation accepted by their brother officers." The best evidence which the nature of the case is susceptible of, that which proceeds from the keepers of the public records, tells us that agents were appointed for the several lines, who were charged with the duty and responsibility of delivering these certificates to the officers, and that it is believed that there are no instances where the officers did not accept of the commutation offered. I fancy, sir, that the committee must have overlooked the evidence contained in the response to the resolution of Congress of 1826, or they would not have hazarded the assertion, that there are many instances in which the officers did not accept their commutation, and that, therefore, it is just and expedient to pass the general bill upon your table, which transfers from Congress to the Treasury Department the power of adjudicating upon these cases, and, in order to facilitate the operations of applicants there, embodies a set of rules and presumptions, that shall dispense with any thing like strict and reasonable test money.

I certainly, sir, mean no disrespect to the committee, in questioning the soundness of their assertion or conjecture, when they tell us that many of the officers were ignorant of the commutation which their brother officers had accepted for them. But it strikes me, sir, that this is indeed taxing those good and gallant men with more ignorance than I had considered them justly chargeable with. They, at all events, knew that they were entitled to half-pay for life, under the resolve of the 21st October, 1780. The war had ended, and all would naturally be on the inquiry for the source whence they were to derive the promised remuneration for their long and faithful services. They would not, no, sir, it was not in the nature of things, that they *could* remain inert or indifferent as to their pay, after the liberal promises contained in the resolve of 1780; and while inquiring how, *when*, and *where*, they could obtain the half-pay, which all knew had been promised to them, the conclusion is irresistible, that they must at least then have been informed of the new pension substituted for them by the commutation resolve of March, 1783. To believe otherwise, would be forgetting some of the most obvious principles of human nature, and motives of human conduct; it would be forgetting that the ill-fated subjects of want and necessity are ever on the alert for the means of alleviating their distressing influences. They had, sir, the spur o

necessity to stimulate them to all reasonable inquiry into their rights and interests. Yes, the hard hand of poverty pressed heavily upon them. They were called upon to enter upon some new and civil pursuits in life that could cure bread to their families, and comfort to themselves in their old age. The incipient steps of the new career upon which they were about to enter, called loudly for all their very scanty resources, whether in possession or in expectancy—most of them had no resource, or means, for this second beginning of life, to which they were now all doomed, but the remuneration which their country had promised them, and to suppose them, under circumstances so necessitous, ignorant of all the provisions which their country had made for them, would be a libel upon that intelligence, which was as much their boast as their distinguished patriotism. Can we, sir, in view of all these considerations imagine, that there are any instances where the officers neglected or omitted to receive their commutation certificates under the resolution of 1783, or that, at all events there are so many instances of omission as to justify us in manufacturing this general mould in which all these claims can now be run? If there are, as the Register of the Treasury tells us, but *very few*, if any exceptions, is it not much better and safer to apply the strict and searching scrutiny of the Committee of Congress, and of the two Houses of Congress, to these “very few” cases, than to pass the general bill upon your table, which in its dispensation with reasonable testimony, and in the indulgence of presumptions favorable to applicants, is (with all possible deference to the committee do I say it,) liberal *over-much*. Is it not much wiser, sir, to retain to ourselves the trouble and inconvenience of cutting each garment according to the figure and dimensions of the particular individuals that may present themselves, than to adopt *this general pattern*, which contains such wonderful qualities of contraction and expansion, as to be capable of fitting rather too many customers to consist with the safety of your Treasury?

Again, sir: If there be any instances in which the officers of the revolution did not accept their commutation certificates, then sir, I contend that the act of 1828, for the relief of certain surviving officers and soldiers “of the army of the revolution,” and the act of Congress supplemental thereto passed in 1832, have considering the great lapse of time, the uncertainty in which these claims are involved, and the various acts of limitation that have been passed to bar them, made ample provision for them.

The first section of that act provides that “each of the surviving officers of the army of the revolution in the continental line, who was entitled to half pay by the resolve of October 21, 1780, be authorized to receive the amount of his full pay in said line, according to his rank in the line, to begin on the third day of March 1826, and to continue during his natural life.” The very first section of this act shows, that it was for claims accruing under this very resolve of October 1780, that the act of 1828 was designed to provide. The history of the act is still too fresh in the recollection of gentlemen to justify

any prolixity of detail as to the causes that spoke it into being. Suffice it to say sir, that those venerable and gallant men, who then petitioned you for justice, did not, to use the strong and dignified language of their memorial, “approach the legislators of the nation, as supplicants for a favor or for an unmerited gratuity. They did not ask relief merely because they were poor and destitute; they preferred, what they sincerely believed to be a substantial claim upon the *justice*, rather than *gratitude* of the nation. They applied for the compensation formerly promised. They asked for the fulfilment of an express engagement of the government made in a time of imminent danger, the conditions of which, as they alleged, had never yet been performed on its part, although the services, for which the promise was made had been rendered nearly half a century ago.”

Now, sir, it was to such an appeal, that the act of 1828 was a response. It was not intended sir, as a gratuity. No, sir. The proud and high, spirited veterans whose petition induced the passage of that act would not stoop to accept charity, even from that nation, which owed its existence to their youthful valor and patriotism. No, sir. They asked mere compensation for services, which were as beneficial and glorious in their results, as they were faithful and arduous in the performance. The debt whose payment they then solicited in terms so irresistibly touching, was founded upon the very resolves which form the basis of the bill upon your table. Should not then, sir, that act be regarded as a satisfaction of all claims founded upon those resolutions, especially since the good and great men who procured the passage of that act, must remain content with its provisions, and will not and cannot receive the princely fortunes intended to be secured to the objects of the bill upon your table? The discrimination in favor of the intended beneficiaries of this bill is odious and unjust in the extreme to those to whom you dispensed the comparatively trifling pittance extended by the act of 1828.

[Here Mr. Vanderpoel gave way to a motion to adjourn; and on motion of Mr. Clay, of Alabama, the House adjourned; and in consequence of the intervention of private business, the bill was not again taken up till the 5th March inst. when Mr. V. continued as follows:]

When I last week sir, had the honor of addressing this House, I had attempted to show, from the best lights and testimony extant, that all those officers, who came within the Congressional resolves of the 21st October, 1780, and the 22d March, 1783, with very few exceptions, had received their commutation certificates, before the funding act of 1790, or before the various acts of limitation, which I shall hereafter mention had expired; and that as to those exceptions, the acts of Congress of 1828 and of 1832, have already made ample provision for them; and if sir, it be true, as will be contended, that those acts do not embrace all those provided for by this bill, and there shall continue a disposition here to favor these claims, enshrouded as they are in the mists and uncertainties of more than half a century.

ry, it is then safer, far safer, sir, to legislate in particular cases, than to hold out to impostors the conspicuous and tempting lure, which the passage of the bill upon your table would occasion. Yes, sir, if, as has been alleged, these individual applications are becoming burthensome, if they are engrossing too much of the precious time of this House and of the committees of this House, even then sir, we had "better bear the ills we have, than fly to others" that we know too much of; for we have too much sad experience of the frauds and peculations, that seem to be inseparable from every general pension, or if you please, *compensation* system, not to feel an almost invincible repugnance to the extension of them; under every such system, there must be fixed rules of evidence which, and which only, the applicant is required to comply with, in order to secure success to his application. The department which is called upon to adjudicate upon claims of the character contemplated by this bill, must necessarily issue a code of general rules and requirements. It must necessarily say to the world, "prove this or that, and you shall be one of the beneficiaries of this statute;" and all experience teaches us, sir, that no matter how rigid and exorbitant may be these exactions of testimony, there are few applicants, indeed, who have not the ability to bring their cases within the scope of these general rules. They apply to some scribe or agent who professes to be an adept at making out papers of this description. He knows the quantum of proof that is necessary to ensure success. To procure it "is his vocation, sir." In many cases, the evidence he secures is, to be sure, fair and substantial, and answers the spirit of the law; but there are not wanting instances, sir, in which the applicant or his agent draws up, in the form of an affidavit, the dreams of some good and worthy octogenarian, who is just groping through the dim twilight of second childhood, and across whose broken and clouded memory occasionally flit the names of Washington, and Lafayette, and Greene, and Burgoyne, and Cornwallis; but whose revolutionary reminiscences, beyond this, are but as "the fleeting vision of an early dream." The vagaries of the good old man can always find abundant vouchers, in the shape of certificates and affidavits to his credibility. Yes, sir; the village parson certifies to his perfect integrity—his next door neighbor seconds it—the neighboring justice follows suit—the county court, which is to lend its seal and final certificate, is, by this time, convinced that all is right, and freely renders the necessary authentication; and on comes a most imposing volume of papers gotten up, *secundum artem*, and potent enough to satisfy the conscience of the Secretary here, though he were the veriest sceptic that ever doubted or quibbled!! This, sir, is no caricature. No, sir; it is cold reality, as too many instances have already demonstrated. Why then extend these general systems, when they serve as the sure incentives to innumerable frauds? Do not suppose, from these remarks, that I am opposed to the various pension laws in favor of the soldiers of the revolution, which now adorn your statute book. No, sir; I regard them as but the just evidences of a nation's

gratitude to its earliest benefactors; and I would not, therefore, wage war against those just and liberal provisions which a grateful country has made for the soldiers of the revolution—provision which serves to render calm and comfortable the close of a career, whose early effulgence was bright enough to chase away the dark clouds of despotism that lowered over that country whose gratitude and bounty are now the support and solace of their old age. It must be borne in mind, sir, that the bill under consideration makes no provision for the soldier. No, sir; it is partial in its operations, and gives merely to those officers who neglected to prefer their claims when the evidences for and against them were fresh and accessible, and gives to them, sir, not the moderate amounts which those received who applied when there was "a host of living witnesses" to detect them, if they were impostors—but *princely fortunes*, sir.

In answer to the position I have urged, that the act of 1828 ought to be regarded as a satisfaction of the claims intended to be covered by the bill under discussion, it will doubtless be said that this act proposes only to include those men who did not receive their commutation certificates; and that the act of 1828 was designed to provide for the very men who received their commutation certificates, and that those who may receive the benefits of this act will also be entitled to participate in the benefits of the act of 1828. Yes, sir; that they will be entitled to receive from five to forty thousand dollars under this bill, and also the benefits of the act of 1828!! I grant, sir, that the Secretary of the Treasury has decided, that the evidence of having received a commutation certificate under the resolve of 1783, at once entitles the applicant to the benefits of the act of 1828, because *that fact* proves that he comes within the resolves of October 1780, specified in the first section of the act of 1828; but this by no means proves, that Congress did not design this act of 1828 as a full satisfaction of all claims founded on these resolves, whether the claimants had received their commutation certificates or not. The first section of the act provides "*that each surviving officer, who was entitled to half pay under the resolve of October, 1780,*" shall be entitled to full pay for life, to commence in March, 1826. It does not provide "*that each surviving officer, who has received his commutation certificate,*" &c. shall so receive his half pay for life. This act, be it remembered, was an answer to a petition, not for *bounty*, but for payment of a strict debt; a debt too, as I shall undertake to show, vastly more clear and indisputable than those that are embraced by the bill under consideration. If Congress had intended merely to provide for those who had received their certificates of commutation, and who had sustained a loss from their depreciation, the language of the act of 1828 would have been more limited and guarded.

I am well aware, sir, it will be contended, that the memorialists who procured the passage of the bill of 1828, based their claims for relief upon other grounds; that they proceeded chiefly on the principle, that though they did accept their

commutation under the resolves of 1783, yet that they were paid in certificates that were almost worthless, and that the act of 1828 was merely passed to indemnify them for such loss by depreciation.

That this, sir, was not the sole end and purpose of the act of 1828, is evident from the fact, that some officers who retained their certificates till they were funded, did not suffer much, if any depreciation. When the act of 1828 was passed, it was found impossible to satisfy the just claims of all by the adoption of different standards of bounty. Some had suffered, because they had been paid in certificates that were almost as worthless as the rags out of which the paper upon which they were written was manufactured; others, who had retained them till they were funded in 1790, did not sustain much loss. This number, to be sure, was very inconsiderable, as the officers were poor, and were obliged to sell them before that time, in order to procure some little means to enable them to enter upon some new pursuits in life, that might secure comfort to themselves and to their families. Perhaps a few, (and very few indeed, as I have urged) did not receive their commutation certificates—yet no discrimination is made between those who retained and those who sold their certificates—all, all are equally entitled to the benefits of the act of 1828, and that act should therefore, sir, be regarded as a *second compromise or commutation act*, whose operations are as just and equal as was practicable, considering the insuperable difficulty of adopting any uniform rule at this late day, for settling the accounts of the revolution, that will not be somewhat unequal in its operations.

Let me ask, sir, what did those realize who actually received their commutation certificates, and sold them? Those, I mean, who applied for them before this eleventh hour, and before the witnesses that could disprove their right to them, if impostors, had descended to the tomb? Why, sir, so comparatively worthless were they before the funding act of 1790, that a captain, who for his five years full pay, was entitled to two thousand four hundred dollars, actually received only \$480. This vast difference, produced as it was, not by the fault of the officers, but by the embarrassment of the Government, presents now as fair and imposing a claim upon our justice, as do the claims for which this bill is designed to provide; claims which have slumbered for more than half a century, have been barred by repeated acts of limitation; claims, which perhaps never had any existence in the performance of the adequate term of service, and which now, when the tongues that could contradict them are palsied by death, and the records that could falsify them are consumed by the flames, are raked from the tomb *by the too lavish and liberal spirit which now seems to prevail*.

The claim of those who suffered from the depreciation of their certificates, to an equally favorable consideration with those whom you propose to make rich by the bill upon your table is much strengthened, when we consider, how totally the Government failed in the performance of its stipulations with them. Those who accepted

of their commutation under the resolves of 1783, were to be paid immediately "in money or securities at 6 per cent. per annum." They did not even receive their certificates till 1784. Requisitions, under the government of the confederation, were made upon the States, but they were too poor to comply, and Congress had no means of enforcing a compliance. The certificates were not funded till 1790, and the pinching wants of a vast majority of the officers would not permit them to retain them for six long years. They sold them therefore, for a mere song. Their country promised them bread, sir, but they received only a stone. Compare then, sir, their claims upon your justice, so clearly and indubitably made out, with the dark sile and dubious claims proposed to be provided for by the bill now under consideration. The first sir, most unequivocally and satisfactorily established; the second, resting only for their support upon the fallible recollection of aged and imbecile witnesses, and barred too by repeated acts of limitation.

It may not be amiss here, sir, to inquire what are these acts of limitation to which I have so frequently alluded. In November, 1785, and in July, 1787, limitation resolves were passed, which included all revolutionary claims founded upon the resolves of 1780 and 1783, and required that they should be presented within a short period. On the 27th day of March, 1792, from a laudable spirit of indulgence and liberality to the claimants, an act was passed suspending these resolves for two years; on the 12th day of February, 1793, was passed the last act of limitation, extending the time for presenting these claims for the term of two years more. I put it, then, to gentlemen, should not these various acts of limitation receive some respect at our hands, especially when we consider the antiquity of these claims, and their very doubtful character? As between individuals, statutes of limitation are no longer considered odious—no, sir, the interposition of the statute is no longer considered the *rogue's plea*. These acts are now regarded as salutary shields to supply that loss of evidence, which time ever works. The wisdom of modern courts has rescued them from the odium with which prejudice and misconception had once invested them. Only six years are necessary to raise the presumption of payment as between individuals. How much more necessary these limitation acts as a shield in favor of Government, vastly more exposed, as it necessarily must be, to imposition, than are individuals. It will perhaps be said, that Government is not sueable, that individuals cannot enforce their claims against it through the medium of the judicial tribunals of the country. That argument, sir, has no force on this occasion, when we recur to the fact that these repeated acts, by which the limitation statutes were extended, were so many notices and invitations to these officers to come forward and exhibit their claims. It was saying to them, "Now is the accepted time"—"Come now, and justice will be done to you." And when we recur to the very important fact that the last act of limitation gave them grace till 1793, embracing a period of five years after the funding act was passed, and after the credit of the

country was restored, a period within which every commutation certificate was worth the full amount which its face purported to represent, and within which, it is most natural to suppose, that all would have applied who were honestly entitled to them; a determination now, sir, at this late day, to repose ourselves upon these various acts of limitation, would not, in the least degree, savour of hardship or injustice. But, sir, the justice and expediency, if not the absolute necessity, of interposing this defence against these stale claims, is indicated by other cogent considerations. The revolutionary records, that would enable us to detect frauds and impositions under the proposed bill, have been thrice exposed to fire; most, or at least many of the muster-rolls of the revolution, have been consumed by these repeated conflagrations. I have examined the records in the Treasury Department, and have ascertained that these casualties have rendered the proofs of settlement with the officers so imperfect, that they do not now furnish sufficient evidence to show us satisfactorily who were, or who were not, settled with as commutation officers, and who did, or did not, receive their certificates; and hence, to repel the presumption that the applicant did receive his certificate at the time when he ought to have applied for it, it is not enough to say to us now, "Go to the records, sir, and there you will not find my name." If those records, could, sir, like the Phoenix, be made to rise from their ashes, to which the flames have reduced them, the answer to this strong presumption of settlement, flowing from the lapse of time, would be more satisfactory.

It should be borne in mind, sir, that the bill upon your table proposes to provide, not only for the surviving officers who did not receive their commutation certificates, but also for the heirs and representatives of the dead. This provision, in favor of heirs, will expose you still more to imposition. Most of the applications under the proposed act would proceed from the representatives of the dead. They, sir, can apply, without exposing themselves to the imputation of fraudulent motives. They have perhaps, heard their gallant ancestor tell of his gallant services in the revolution; they may have heard him say, that he *thought* his services ought to have secured him his commutation, though he knew, that *technically* and strictly he was not entitled to it. He is gathered to his fathers. Those who come after him hear of your acts of bounty and liberality. They hear of your giving fifteen thousand dollars to one, and twenty thousand to another; the temptation to apply to you becomes too strong to be resisted. If you pass this bill, they will come in hordes, sir, to your Treasury Department, with the mere scintilla of evidence which the bill proposes to recognise as sufficient; success will increase their efforts; opulence is at once showered upon them; when their ancestor, had he survived, could not, peradventure, *with his own oath*, have brought his case within the resolve of March, 1783, and would not have jeopardized his fair and hard-earned fame by venturing an application. Out of his own mouth could we have condemned him. It is well, sir, that we should here be reminded, that the most eloquent and efficient ad-

vocates of the bill of 1828, as to those who had been paid in worthless certificates conceded that although the losses they sustained by reason of the fault and embarrassment of the government, were morally and conscientiously debts against us; yet that it was dangerous, nay, wholly inadmissible, to recognise this principle of strict indebtedness after these repeated acts of limitation, and after this great lapse of time, because, it would tend to open the accounts of the revolution in favor of the heirs of the dead, as well as the living. Such a principle, was, in their estimation too dangerous to be sanctioned, and though those good and high-minded men, whose memorial induced the passage of the act of 1828, solicited not the *bounty* but the *mere justice* of the government, yet Congress, from an apprehension of the consequences of the very principle which this bill contains, the principle of opening the accounts of the revolution in favor of *the heirs of the dead*, as well as the living, did not seem disposed to recognise this principle of strict debt.

Mr. Webster, who was one of the ablest and most ardent advocates of the bill of 1828, in a speech, inferior in force and ability to none of the many able efforts of that very distinguished gentleman, used the following language:

"For myself, I am free to say, that if it were a case between individual and individuals, I think the officers would be entitled to relief in a court of equity. The conscience of chancery would deal with this case as with other cases of hard bargains; of advantages obtained by means of inequality of situation, of acknowledged debts compounded from necessity or compounded without satisfaction; but although such would be my view of this claim, as between man and man, I do not place my vote for this bill on that ground. *I see the consequence of admitting the claim on the ground of strict right. I see at once, that on that ground the heirs of the dead would claim as well as the living.* I know it is altogether impossible to open the accounts of the revolution, and to think of doing justice to every body. Much of suffering there necessarily was, that can never be paid for. The honorable member from New York (Mr. Van Buren) has stated what I think the true ground of the bill. *I regard it as an act of discreet and careful bounty, drawn forth by meritorious services and by personal necessities.*"

Now, it would seem, that the committee that reported the bill upon your table apprehend no danger from a recognition of the principle of strict debt, payable with half a century's interest; payable too not only to survivors, but to the heirs and representatives of the dead; a principle which a few years ago was deemed to be so dangerous by the warmest friends and most enlightened and eloquent advocates of the interests of the officers of the revolution. We should also recollect, sir, that the provision in this bill in favor of the heirs of deceased officers, is novel as a general principle in our legislation. None of your general laws designed to reward or compensate revolutionary services, contain such a provision. They seem to have all proceeded mainly, if not solely, from a solicitude to strew with com-

fort and abundance the last days of those who yet linger among us. The bill upon your table, sir, would seem to be grounded in a much more enlarged benevolence; for it embodies the novel general principle of dispensing its blessings to the fortunate descendants of those who did not apply for this boon in their life time, because they in all probability well knew that they were not entitled to it.

But we will doubtless be told, sir, that Congress has, in various instances, recognised the principle of this bill; that within the last two or three years it has passed several private bills granting this commutation, with 50 years interest, to particular individuals. But, sir, it becomes material to inquire, when and how this practice originated. Sir, it originated in the inability of a particular class of officers for lack of that amount of evidence which was required by the Secretary of the Treasury to bring their cases within the provisions of the act of 1828. In 1829 I find none of these private acts providing for individual cases. All seemed then to acquiesce in the act of 1828. In 1830 we are removed two years from the act of 1828, and in this year Congress passed several acts, bringing particular individuals within the act of 1828. This was perhaps well enough; but further than this Congress ought not to have gone. Towards the close of this session, however, Congress seemed to have become more liberal, and passed three or four bills, granting to particular individuals the five years commutation pay; *but without interest*. It had not yet nerve enough to go the length now proposed; but in 1831, it began to give, with 50 years' interest, making an interest amount compared to which, the mere five years' pay is but a trifle. The principle of liberality seems to have acquired strength as it progressed. Yes, sir, like fabled fame, "*acquirit vires eundo*." Yes, Congress, in 1832, it seems, did not hesitate to pass a number of private laws giving to a number of officers and their heirs, who had, at best, as I have attempted to show, but doubtful claims, more than ten times as much as was ever realized by those distinguished and gallant men who applied for their due before their claims became stale, and who, in 1828, petitioned you in strains so touching.

It will now be said, sir, that it is too late to object to the principle contained in the private acts to which I have alluded; that inasmuch as we have legislated in favor of individuals, our motto must now be "onward," and that to save ourselves the trouble of legislating for individual cases, we must erect one general manufactory, in which all these claims may be fabricated.

I deny the soundness of this reasoning. Sir, if a dangerous principle has been recognised in particular cases, such cases cannot operate as binding and authoritative precedents in favor of the proposed extension of this principle. It is much better that we recede, than go further. We have not yet "*slept in so far*," as to be obliged to yield to the desperate sentiment, "that to return is more difficult than to go over;" and if, sir, we cannot recede without violating the national faith, if we cannot blot from our statute book the private acts

I have referred to; then, sir, we are admonished by every consideration of consistency, of equal justice to all the object's of our justice and bounty; and above all, of aversion to a system of ruinous prodigality, at least, to stand where we are. Your treasury, sir, is not plethoric. It needs not for its health and comfort the merciless and exhausting process of depletion which the bill upon your table proposes.

It is in order here, sir, to remind the House, that the bounty of Congress, by way of general provision, did not stop with the act of 1828. In 1832 it passed an act, supplemental to the act of 1828, which was literally a species of *omnium gatherum*, broad and sweeping enough to pick up all the gleanings that had been left behind by the former acts of Congress. By it provision was made for all who had served over six months, either in the Continental or State lines. And here we had then, *first*, invalid pension laws—*second*, the act of 1818, by which all the indigent officers and soldiers of the revolution were provided for—*third*, the act of 1828, providing for all those who were embraced in the resolve of the 21st of October, 1789—and *fourthly*, the all-sweeping and liberal act of 1832. In these, it was supposed, were to be found ample monuments of a nation's gratitude to its veteran benefactors. Yes, it was thought that the proverbial ingratitude of republics was here most triumphantly refuted; that a pension and revolutionary compensation expenditure of over three millions per year was an ample redemption of the faith of the nation, even to those "who had rescued it by their arms from impending ruin;" that the doors of your treasury were so widely thrown open to that little remnant of gallant spirits, as not only to let in all who have merit to recommend them, but as also to hold out temptations and secure success to many imposters. The soldier, sir, is satisfied with these liberal provisions; your officers who were paid in rags, are satisfied, and now sir, your munificence has provoked importunity from others, who, if this bill become a law, may emphatically be called the *favoured sons of the republic*.

I have already stated, sir, in a former part of my remarks, that the resolves of 1783 were passed upon the petition of the officers themselves. I am aware, it will be said, sir, that all the lines did not petition; but there is no evidence that all did not accept their commutation. The weight of evidence certainly tends to the conclusion that all must have accepted. The resolves of March, 1783, were reported by General Hamilton, who had left the army and went into Congress for the very purpose, as was understood, of advocating the claims of the officers. When these resolves passed under such auspices, and were the result of such a petition, proceeding from such a source, can we for a moment believe, that any of the officers were ignorant of this new provision which was made for them, and that by reason of such ignorance, they objected to apply for their certificates? General Washington survived 15 years after the passage of the resolves of 1783; within that time, he was eight years President of the U. States, General Hamilton was Secretary of the Treasury. Why not then apply for their commu-

tation, especially as the repeated extension of the acts of limitation loudly called upon them to apply? The credit of the country was then resuscitated; the blessings of the constitution were already felt; the justice of the nation, reassured, sir, was not then as deep under the auspices of the great and good men who were then at the head of affairs; and the just claim of the gallant officers of the revolution would not then have been lightly passed over. Their laurels were then fresh and green. At the head of the Government was their great and good father, Washington, who had so earnestly, so repeatedly, and at last, so effectually commended their claims and interests to the favorable consideration of the continental Congress. At the head of the fiscal department of the Government was their once distinguished brother, and afterwards eloquent advocate, Alex. Hamilton, a man who, barring his too extravagant notions about executive Government, was not only an ornament to his country, but to the age in which he lived. In the legislative branches of the Government were to be found some of those who had been their companions in arms, who had wintered and summered with them, who had been the sharers of their toils, their services, and their glory!—brothers, whose fellow-feeling for them would have warmed their hearts most readily into a compliance with their petitions. How auspicious was this season for the attainment of these claims!! If justice had not before been rendered them, then, sir, was the time most propitious to apply for it; and yet, sir, I have been able to find only one act providing for a few commutation claimants during the whole of General Washington's administration, and that was passed in March, 1792, and on the same day that the act was passed to suspend, for two years, the limitation resolves, passed in 1785 and 1787!! I cannot learn, sir, that from that time these officers or their heirs ever applied to Congress for relief till after the passage of the act of 1828. To be sure, in 1816 Congress passed an act granting five years' full pay to the widow of General Hamilton; but this was not passed in consideration of *strict debt*, as General Hamilton was in Congress, and must have resigned his commission before the end of the war, and was not, therefore, strictly entitled to commutation. The provision in favor of Mrs. Hamilton was an act of bounty justly called for by the very meritorious and invaluable services which her distinguished husband had rendered both in the field, and in the cabinet. I ask then, again, sir, is nothing to be inferred against the objects of this bill, from their long and unaccountable silence?

I propose now, sir, as briefly as possible, to examine the particular provisions of the bill upon your table, and see what consequences may, and probably will result from it. It is deficient, sir, both in negative and positive properties. I do not find in it the usual provision that any claims to a pension under any former law, are to be forfeited or relinquished by those who partake of the benefits of this act. The second section of the bill provides that the claims of those who shall apply for a participation in the benefits of its provisions, shall be adjudged at the Treasury Department "according to the principles of justice and equity."

This is indeed a very plenary power, which I do not find so expressly given by any of the former acts. But, sir, we have some foretaste, some earnest, of the bitter fruits that will flow from the exercise of this power, if the bill should become a law. If it passes, some of the officers of the revolution would be twice, nay, *thrice* paid for their revolutionary services. Virginia, ever devoted as she was to the cause of the revolution, also promised the officers of her State line half pay for life. Now, sir, if the bill upon your table should pass, a portion of the officers of the Virginia State line would first receive the benefits of the act of 1828, granting full pay for life—*second*, the half pay for life which Virginia promised them; and then the enormous amount proposed to be given by the bill upon your table! This bold assertion, as to consequences, may startle some gentlemen; but the facts I am about to detail will amply justify it.

It is to the first Virginia regiment, commanded by Colonel George Gibson, that I would now call the particular attention of the House. This regiment was included in the promise of Virginia of half pay for life to the officers of her State line, but was, by an act of the Legislature of Virginia in 1777, transferred from the State to the continental service, in order to supply the place of the ninth Virginia continental regiment, which had been captured at the battle of Germantown. After this transfer, it continued in the continental service till the close of the war. Some years after the close of the war, certain officers of the Virginia line, who had not received their half pay from Virginia, and whose claim Virginia resisted, on the ground that they were supernumerary, prosecuted the State for the amount which they claimed to be due to them under this promise of half pay for life; and the highest Court of the State decided that the commonwealth was not bound to pay these supernumerary officers. The more recent discovery of certain revolutionary documents, in reference to this very question of half pay, induced the officers of the Virginia State line who survived, and the heirs of those who had deceased, to renew their claims against the State for half pay, under the act of May, 1779, which contained the promise. Virginia, with a magnanimity that has ever characterized that great and patriotic State, consented to waive the advantage secured by the former judgment in her favor, and submitted to a second trial. The question was again tried, and the highest judicial tribunal in the State, in the year 1830, decided in favor of the officers, among whom were the heirs of this very Colonel Gibson whose regiment had been thus transferred.

In 1832 Virginia petitioned Congress to assume and discharge the very heavy liability, which had thus been established against her in her own courts, in favor of her officers, on the ground that Congress had agreed to fund and assume all the State debts contracted for the revolution, as part of the debt of the United States. The obligation to assume this liability of Virginia, was much strengthened by the liberal cession which Virginia had made, of her very extensive western domain. Congress, accordingly, in July, 1832,

passed a law for liquidating and paying these claims against Virginia, under which act an amount exceeding six hundred thousand dollars has been drawn from your Treasury. The second section of this act provides, that "there shall be paid to the officers, or their legal representatives, of the regiment commanded by the late Col George Gibson, the amount of the judgments which they have obtained against the State of Virginia, and which are now unsatisfied. Now, sir, although these very officers of Gibson's regiment were paid over one hundred thousand dollars with the fruits of that act, although they prosecuted Virginia as belonging to *her State line*, yet they would not only receive the enormous sums intended to be distributed by the passage of the bill under consideration, but would also be entitled to the benefits of the act of 1828; for the Secretary of the Treasury and of War have given such a construction to the act of 1828, as to bring within its provisions the officers of this first Virginia regiment, commanded by George Gibson. Nay more, Congress itself has recognised this regiment as a continental regiment, by the passage of private acts in 1832, granting commutation with interest, to the officers of this regiment and their representatives. I need only refer to the case of William Vauters, (which may be found in the reports of the committees of 1832,) whose heirs by a special act of Congress of that year, received five years' commutation pay with interest. Vauters, as appears from the report of the committee, belonged to Gibson's regiment; his heirs have thus participated in the large fruits of the judgment against Virginia, on the ground that they belonged to the State line; and now, under the provisions of this bill, the Secretary of the Treasury would be compelled to extend to them *its* rich benefits; for his mouth would now be hermetically sealed after the construction he has given to the act of 1828, and after the practical construction which Congress has given it, by extending the continental half pay, with interest, to some of the officers and their heirs, of Gibson's regiment. The Virginia memorial for indemnity against the claims of these supernumerary officers of her state line, which was presented to Congress in 1832, expressly states, "that the regiment of Gibson continued in service to the end of the war; that it has been recognised as a continental regiment, both by Congress and the other departments of the Government; that its surviving officers are now receiving pay from the United States, under the provisions of the act of Congress of May 15, 1828; that payments had already then been made to the officers and the representatives of officers of this regiment to the amount of \$40,000; that judgments had been rendered on similar claims against the Commonwealth to the amount of about \$27,000; and that the claims of the officers of the regiment who had not prosecuted, amounted to \$31,200 more, make an aggregate of more than one hundred thousand dollars."

Now sir, after receiving from Virginia this enormous sum, and after receiving from the United States their full pay for life, under the act of 1828, what is proposed to be given to them by the bill

under discussion? An amount indeed, that should induce us to pause! The following statement exhibits the amount which the bill will secure to each officer of the Continental line:

To a Major General, five years' pay,	\$9,960 00
Interest,	29,954 00
Aggregate,	\$39,914 00
To a Brigadier General,	\$30,056 25
To a Colonel of Infantry,	18,033 75
To a Lieutenant Colonel,	14,427 00
To a Major of Infantry,	12,022 50
To a Captain of Infantry,	9,618 00
To a Lieutenant of Infantry,	6,412 00
To an Ensign of do.	4,809 00

These are indeed pretty round and literal sums in these times of "*panic and distress*." The officers of the first and second Virginia regiments would receive double the above amounts.

Though the second regiment, commanded by Dabney and Brent, was not transferred to the Continental line by an act of the Legislature, yet it marched with the first, served throughout the war with the first regiment, and was alike Continental in its service with the first. It is the service, not the name, that gives the claim to half pay.

Time then, sir, instead of weakening and diminishing a claim, according to the notions of the committee that reported this bill, would seem to give it twenty fold efficacy and strength. In proportion as it becomes stale and rusty, it seems to magnify and strengthen. What, I again ask, did those who were paid in a depreciated currency receive? I have already told you, sir, that a Captain, who disposed of his certificate before the funding act, received only \$480. To all Captains who come in under this act, you propose to give \$9,618; to those of the first and second Virginia regiments, including what they have already received from the avails of your act of 1832, **MORE THAN TWENTY THOUSAND DOLLARS!!** What rank injustice, sir, to those who were paid in valueless certificates, and who did not live to see these halcyon days of unrestrained munificence!! Are not their spirits here, sir, to rebuke us; to remind us of our partiality to the favored objects of this bill; to tell us of the niggardly pittance we extended to them in their life time, and of the unsparing hand with which we are now about to lavish our treasure upon those surviving officers, and the heirs of those officers, who may not heretofore have received, because most probably, they were not entitled to their country's bounty.

On what principle, sir, is this most liberal allowance of more than fifty years' interest defensible? The obligation to pay interest, it seems, was not felt when you first began to legislate in these particular cases. It cannot, sir, be allowed on any principle of justice or equity. Congress passed various acts of limitation, that were public invitations for these claimants to come forth immediately and present their claims. It was saying to them "Come now, government is ready to pay what it has promised you." This, sir, was in the nature of a tender to the creditor, which always arrests the accumulation of interest. Do the objects of this bill pretend that they have ever before presented their claims, and that go-

vernment either neglected or refused to pay the demands contemplated by the bill? This cannot be, it is not pretended. Sir, on the one side, there has been an uniform readiness to pay; repeated notices to come and present these claims. On the other, a total neglect to exhibit their claims, until they come to us marred by the rust and weakened by the delay of half a century. Every principle of law that would govern such a case between individual and individual militates against the allowance of interest. An offer of a party to pay a demand arrests, the progress of interest; and when sir, the creditor is by the terms of the contract to present the demand within a given time, as was the case here, if we regard the various acts of limitation and the very terms of the resolves of 1783, his own act or omission to present it shall not secure advantage to *him* and prejudice to his *debtor*. It is a sound principle both of law and ethics, sir, that no man shall be permitted to take advantage of his own act or omission. Every principle of law and every dictate of sound reason forbid the allowance of interest to the objects of this bill; and are we not, sir, most peremptorily called upon to apply those considerations, those analogies and rules that would govern individuals in cases, where the interest is nearly four-fold greater than the principle? Let a becoming spirit of economy answer.

A word more, sir, about the details of the bill and its extreme liberality to its most favored objects. After determining that the Secretary shall decide the cases upon principles of "*equity and justice*," three subdivisions are superadded, which strike me as rather anomalous; for they are rules not to *require* evidence, but to *dispense with* evidence. They throw the burthen of proof, not upon the claimant, but upon the party upon which the claim is made. By them, sir, imagination and presumption are employed to perform the office of *strict proof*. The following sir, are those very liberal and indulgent rules which the bill proposes to establish for the benefit of the claimant:

1st. "It being established, that an officer of the continental line was in service as such, on the 21st of October 1780, and until the new arrangement of the army provided for by the resolution of that date was effected, he shall be presumed, unless he was then retained in active service, to have been reduced by that arrangement, and therefore be entitled to half pay for life, or the commutation in lieu thereof."

2d "A continental officer proved to have remained in service, after the arrangement of the army under said resolution of October, 1780, shall be presumed to have served to the end of the war, or to have retired, entitled to half pay for life, unless it appear that he died in the service, or resigned, or was dismissed, or voluntarily abandoned an actual command in the service of the United States."

3d "A continental officer, who died during the war, and within three months after he is proved to have been with his command, shall be presumed to have died in the service, unless the contrary appears."

Can it, sir, require any long train of reasoning to shew the inexpediency of these provisions, and the infinite frauds and impositions to which they will give rise? You say, s'r, "prove this fact, and a most conclusive inference in your favor shall result from it;" though the evidence is by no means satisfactory, yet it is all that we will require from you. Prov., sir, that you served till after October, 1780, and you shall be deemed to have served till the end of the war, unless the contrary is shown. Shown by whom, sir? By a government, most of whose revolutionary records have been consumed by the flames. Many officers resigned between October, 1780, and Nov. 1783, of whose resignation there is not now a vestige of evidence among the archives and records of your government. This system of presumption and intendment in favor of the claimants, is very similar to your *maximum* and *minimum* principles in your tariff laws; and I had, indeed, sir, supposed that we had had a sufficient trial of the effect of fictions and presumptions in your impost laws, to have given them their eternal quietus.

I would now ask, s'r, why these relaxations and presumptions in favor of officers, and not as to the common soldiers? The latter, when he applies for a pension, is tied down to strict and most conclusive proof of his revolutionary services; and many a faithful soldier is daily subjected to the sad mortification and disappointment of having his application rejected for want of that *strict proof* which the Department, that adjudges upon his case, deems indispensable. The officer, sir, in serving his country, has much to sustain, and stimulate, and compensate him, besides the hope of pecuniary rewards. Glory, fame, and the hope of promotion: these, sir, are objects of sufficient moment and interest to excite him to deeds of valor. He submits to privation, and encounters danger, with the confident assurance that his deeds of chivalry will, through all times, be reflected back from the bright pages of his country's history.

Not so, sir, as to the poor obscure soldier. The love of fame, the hope of immortality, cannot generally be present to sustain and animate him "in the gory field of victory." No marble monument is ever reared to perpetuate *his* fame. He pours forth his blood, sir, and lives not afterwards in the memory of his countrymen; not even a perishable oaken slab s' reared by his country over the clod of the valley beneath which his ashes repose. The historian immortalizes his commander with the pen of eulogy, but the memory of the poor and gallant soldier, who was perhaps the instrument that executed the noble deed of daring, receives not even the tribute of a passing notice!! Why, then, all this relaxation of proof in favor of the officer, and this extreme rigor in regard to the soldier?

And, sir, this discrimination in favor of the officer appears much more unjust, when we recollect, that from the very nature of things, it is much easier for an officer to secure the evidence of his revolutionary services, than for the private soldier to secure his. Is the officer a captain, or a lieutenant? Among forty, or sixty, or eighty men,

whom he commanded, he can almost invariably, with great facility, find one man of this number who yet survives, and can testify to his revolutionary services. And, sir, all experience teaches us that the soldier of the revolution never forgets his officers. What! forget those good and gallant men under whom he went forth against the red-coats! Never, never, sir. The recollection of them is as indelible as is the name of the wife of his bosom, and the features of his children, whom he so fondly loves. Their names and their feats can never be forgotten by him, until he forgets the common dangers they suffered, the common hardships they endured, and the common triumphs they achieve.

How much more difficult, sir, the task of the common soldier, when he is called upon, to adduce the evidence of his revolutionary services. He was only one of fifty, sixty, or eighty obscure men. He was humble in rank, and probably made no such lasting impression upon his comrades in arms, as to induce any of them now to remember him, after the lapse of more than fifty years. And a vast majority of his fellow soldiers, where are they now? Let the sure and dreadful ravages, which death always makes in half a century, answer! Why, I again ask, this indulgence to the officer, and this severe rigor as to the soldier?

It must be remembered, sir, that the bill upon your table proposes to transfer very important duties from the legislative to one of the executive departments of the government. Let then those gentlemen who are so diligent and sharp-scented in their efforts to detect, and guard against executive encroachment—who perceive “spectres and hydragres” in every new delegation of power to the Executive—let them see to it, that this transfer of jurisdiction is not too readily made. I call upon them, to carry into practice here the principles that they have already so repeatedly and so vehemently promulgated on this floor. The Secretary of the Treasury does not crave this new power. No, sir, he does not crave the onerous and unpleasant duties you propose by this bill to impose upon him. He must know, sir, that, with all the vigilance he could exercise, the bill upon your table, with its very liberal provisions, would compel him to grant thousands to applicants, who have no fair and conscientious claim to the bounty of their country. Is it not then, all things being considered, far better, far safer, to look into each particular case as it comes

before us, than to publish to the world the loud and general invitation to impostors, which is so emphatically involved in the provisions of this bill?

As a general principle, sir, my immediate constituents have perhaps, as little interest against the passage of bills of this description, as have the constituents of any gentleman on this floor. Extend your pension, your revolutionary compensation system as much as you please, pass act upon act, pile Ossa upon Pelion, increase the annual expenses of your government millions and millions, frustrate the design of your memorable compromise bill, and a very great proportion of my constituents would derive much consolation in the increased impetus it would impart to their shuttles and their spindles. But standing here, sir, as one of the judges, between those who are to be benefited by this bill, and the great body of the American People, I cannot approve of its unprecedently liberal and novel provisions. If, however, any gentleman shall succeed in convincing a majority of this House, that the fears of consequences I have expressed are unfounded, and that the bill ought to become a law, my regret, at what I may deem a violation of correct principle in the passage of the bill will be very much diminished by a recollection of the kind spirit, which dictated this aberration from precedent and principle.

Mr. Speaker, I have done. I have felt myself called upon to say thus much against the passage of the bill upon your table. The duty I have discharged is unpleasant. I know it is an unpopular one. If left to the impulses of my own feelings and sympathies, my voice would not have been raised against this bill; for who that breathes the air of freedom, does not equally appreciate the gallant services and revere the glorious memory of the veterans of the revolution! We can not, we *should not*, even as legislators, by too stern a stoicism, freeze up all the avenues to our hearts against the little remnant of that gallant band who yet dwell among us, and who, like the leaves of autumn, are daily dropping away. But, to the honor of our country be it said, no American Belisarius is now, in the decline of life, doomed to go about begging for a penny. Ample provision has already been made for him. Yes, he descends the down-hill of life with his country's gratitude to cheer, and his country's bounty to comfort him.

LIBRARY OF CONGRESS



0 011 801 880 1

LIBRARY OF CONGRESS



0 011 801 880 1



Hollinger Corp.
pH 8.5